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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,824	08/25/2003	Alan Packer	MS#303277.01 (5074)	2913
321	7590	10/11/2007		
SENNIGER POWERS ONE METROPOLITAN SQUARE 16TH FLOOR ST LOUIS, MO 63102			EXAMINER NGUYEN, QUANG N	
			ART UNIT 2141	PAPER NUMBER
			NOTIFICATION DATE 10/11/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspatents@senniger.com

# Office Action Summary

Application No.

10/647,824

Applicant(s)

PACKER, ALAN

Examiner

Quang N. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-32, 34-38, 40-44, 46-50 and 52-62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-32, 34-38, 40-44, 46-50 and 52-62 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

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***Detailed Action***

1. This Office Action is responsive to the Amendment filed on 08/17/2007. Claims 1, 15, 29, 36, 42, 48, and 60-62 have been amended. Claims 10, 33, 39, 45 and 51 have been canceled. Claims 1-9, 11-32, 34-38, 40-44, 46-50 and 52-62 are presented for examination.

***Claim Objections***

2. Claim 11 is objected to because of the following informalities:

On line 1 of claim 11: "The system of claim 10 ... " is suggested to be "The system of claim 40 1 ..."

Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. **Claims 1-9, 11-32, 34-38 and 40-41 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

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5. It appears that claims 1, 15, 29 and 36 would be interpreted by one of ordinary skill as a system of software per se (i.e., system of instructions), failing to fall within a statutory category of invention. Examiner respectfully submits that "instructions" alone is just functional descriptive material, per se, thus lacking the necessary structure elements to be a "system" and support the instructions of claims 1, 15, 29 and 36 to be realized and to act as system components and perform/execute their functionality. As such, the system of "software" alone is not a machine, and it is clearly not a process, manufacture nor composition of matter. Thus, the claim is not limited to statutory subject matter and is therefore nonstatutory.

Claims 2-9, 11-14, 16-28, 30-32, 34-35, 37-38 and 40-41 are dependent claims of independent claims 1, 15, 29 and 36; therefore, they are rejected at least by virtue of their dependency from the independent claims.

To overcome this type of 101 rejection, Examiner respectfully suggests Applicants to amend the claim to include computer readable storage media/medium to store computer instructions executable by a computer processor to perform the method of (for example, the claim should be amended as "A system ..., said system including a computer readable storage medium having executing instructions stored thereon, when executed by a computer processor, to perform a method of:"). See MPEP 2105, section IV. -- DETERMINE WHETHER THE CLAIMED INVENTION COMPLIES WITH 35 U.S.C. 101 – under subsection 1. Nonstatutory subject matter.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1-9, 11-32, 34-38, 40-44, 46-50 and 52-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mastrianni (US 2002/0116641 A1), in view of Kester et al. (US 7,194,464), hereinafter "Kester".**

8. As to claim 1, **Mastrianni** teaches a system for handling an electronic communication, said system including instructions to perform a method of:

receiving the communication (**paragraph [0042]**);

parsing the received communication (**paragraph [0039]**);

identifying URLs within the parsed communication (**paragraphs [0037]**);

categorizing the identified URLs (**paragraphs [0037] and [0040]**); and

routing the communication as a function of the categorized URLs (**paragraphs [0037], [0040] and [0042]**).

However, **Mastrianni** does not explicitly teach looking up the category of each identified URL via a categorizing server system.

In an analogous art, **Kester** teaches a system and method configured to receive the identifier (URL), and to allow or deny access to the Internet website/page associated with the identifier, using a master database of identifiers along with one or more categories associated with each identifier (**Kester, col. 1, line 53 – col. 2, line 12**).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the features of classifying/categorizing, i.e., looking up the category of each identified URL via a categorizing server, as disclosed by **Kester**, into the teachings of **Mastrianni**.

One would be motivated to do so to determine whether to allow or deny access to the Internet website/page associated with the identified URL according to one or more categories associated with the URL (**Kester, col. 1, lines 59-62**).

9. As to claim 2, **Mastrianni-Kester** teaches the system of claim 1 wherein the received electronic communication comprises one or more electronic emails selected from the group comprising: an email, an instant message or a chat room statement (**Mastrianni, paragraph [0042]**).

10. As to claim 3, **Mastrianni-Kester** teaches the system of claim 1 further comprising rating the electronic communication as a function of its identified URLs and routing the electronic communication as a function of the rating of the electronic communication (**Mastrianni, paragraphs [0037], [0040] and [0042]**).

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11. As to claim 4, **Mastrianni-Kester** teaches the system of claim 3 wherein the rating comprises assigning a number to each identified URL based on its appropriateness or rating each identified URL as appropriate or inappropriate (**Mastrianni, paragraphs [0040] and [0045]**).

12. As to claim 5, **Mastrianni-Kester** teaches the system of claim 4 wherein the electronic communication is not routed to an addressee when assigned number or the percentage of inappropriate URLs relative to the total of inappropriate and appropriate URLs of the electronic communication is greater than a threshold amount (*if a threshold value is exceeded, the message is filtered*) (**Mastrianni, paragraphs [0040] and [0045]**).

13. As to claim 6, **Mastrianni-Kester** teaches the system of claim 5 wherein the threshold amount is a dynamic or weighted amount based on various factors (**Mastrianni, paragraphs [0040] and [0045]**).

14. As to claims 7-9, **Mastrianni-Kester** teaches the system of claim 5 wherein the threshold amount is at least approximately 50%, or at least substantially 10%, or greater than zero (*the threshold value dynamically assigned by the manager or parent, i.e., per-user basis, can be used to compare with the weighted value of the embedded material in the received message to determine if the received message is objectionable, i.e., to filter/restrict the received message*) (**Mastrianni, paragraphs [0040] and [0045]**).

15. As to claim 11, **Mastrianni-Kester** teaches the system of claim 1, wherein looking up comprises connecting to an on-line lookup service (*i.e., a filter system and/or a database factory*) to determine the category of each identified URL (**Kester, Fig. 1, col. 1, line 53 – col. 2, line 12 and col. 4, lines 33-38**). The same motivations regarding the obviousness of claim 1 would be applied equally well to claim 11.

16. As to claim 12, **Mastrianni-Kester** teaches the system of claim 11 wherein the connecting comprises accessing a category name service center employing a URL database to cross reference the URL and maintain URL categories (**Kester, Fig. 1, col. 1, line 53 – col. 2, line 12 and col. 4, lines 33-38**). The same motivations regarding the obviousness of claim 1 would be applied equally well to claim 12.

17. As to claim 13, **Mastrianni-Kester** teaches the system of claim 1 wherein the routing includes a policy including an allow/block logic which determines to route the electronic communication to the addressee when the policy indicates that the electronic communication passes the allow logic and fails the block logic and which determines to inhibit routing to the addressee when the policy indicates that the electronic communication fails the allow logic and passes the block logic (**Mastrianni, paragraphs [0037] and [0042]**).

18. As to claim 14, **Mastrianni-Kester** teaches the system of claim 1, wherein the identifying includes using an on-line look-up tool kit (*i.e., using the filter system and/or*



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*the database factory*) (**Kester, Fig. 1, col. 1, line 53 – col. 2, line 12 and col. 4, lines 33-38**). The same motivations regarding the obviousness of claim 1 would be applied equally well to claim 14.

19. As to claims 15-28, claims 15-28 recite system claims that contain similar limitations as claims 1-9 and 11-14 (*wherein the communication is the web page*); therefore, obviously, they are rejected using the same rationale.

20. As to claims 29-32, 34-38 and 40-41, claims 29-32, 34-38 and 40-41 recite system claims that contain similar limitations as claims 1-9 and 11-14 (*wherein the communication is the email*); therefore, obviously, they are rejected using the same rationale.

21. As to claims 42-44 and 46-47, claims 42-44 and 46-47 recite corresponding client side hardware system claims that contain similar limitations as system claims 1-3 and 13-14; therefore, obviously, they are rejected using the same rationale.

22. As to claims 48-50 and 52-53, claims 48-50 and 52-53 recite corresponding server side hardware system claims that contain similar limitations as system claims 1-3 and 13-14; therefore, obviously, they are rejected using the same rationale.

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23. As to claims 54-59, claims 54-59 recite corresponding server side hardware system claims that contain similar limitations as system claims 15-17, 24 and 27-28; therefore, obviously, they are rejected using the same rationale.

24. As to claims 60-62, claims 60-62 recite corresponding computer readable medium claims that contain similar limitations as system claims 1, 15, 29 and 36; therefore, obviously, they are rejected using the same rationale.

25. Applicant's arguments as well as request for reconsideration filed on 08/17/2007 have been fully considered but they are moot in view of the new ground(s) of rejection.

26. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (571) 272-3886.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (571) 272-3880. The fax phone number for the organization is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Quang N. Nguyen  
Patent Examiner – AU 2141  
October 3<sup>rd</sup>, 2007